CONFERENCE OF THE COMMITTEE ON DISARMAMENT

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FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND THIRTY-FIRST MEETING

held at the Palais des Nations, Geneva,
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Chairman: Mr. S.A. FRAZÃO (Brazil)

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PRESENT AT THE TABLE

Argentina:	Mr. C. ORTIZ de ROZAS
	Mr. A.F. DUMONT
	Mr. O. SARACHO
Brazil:	Mr. S.A. FRAZAO
	Mr. P. CABRAL de MELLO
	Mr. L.F. PALMEIRA LAMPREIA
	Mr. M. DARCY de OLIVEIRA
Bulgaria:	Mr. K. CHRISTOV
	Mr. M. KARASSIMEONOV
	Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. R.W. CLARK
	Mr. J.R. MORDEN
Czechoslovakia:	Mr. T. LAHODA
	Mr. M. VEJVODA
	Mr. J. CINGROS
Ethiopia:	Mr. A. ZELLEKE
Hungary:	Mr. I. KOMIVES
	Mr. I. SARKADI
	Mr. J. PETRAN
	Mr. S. HAJNAL
India:	Mr. M.A. HUSAIN
	Mr. N. KRISHNAN
	Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO
	Mr. F.L. OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA

Japan:	Mr. K. ASAKAI
	Mr. Y. NAKAYAMA
	Mr. T. SENGOKU
	Mr. J. SAKAMOTO
Mexico:	Mr. J. CASTANEDA
	Miss E. AGUIRRE
Mongolia:	Mr. M. DUGARSUREN
	Mr. Z. ERENDOO
Morocco:	Mr. A. CHERKAOUI
	Mr. A.A. KHATTABI
Netherlands:	Mr. H.F. ESCHAUZIER
	Mr. E. BOS
Nigeria:	Alhaji SULE KOLO
	Mr. C.O. HOLLIST
Pakistan:	Mr. K. AHMED
	Mr. S.A.D. BUKHARI
Poland:	Mr. A. CZARKOWSKI
	Mr. H. STEPOSZ
	Mr. R. WLAZLO
Romania:	Mr. N. ECOBESCO
	Mr. O. IONESCO
	Mr. C. MITRAN
	Mr. A. SASU
Sweden:	Mrs. A. MYRDAL
	Mr. A. EDELSTAM
	Mr. R. BOMAN

Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. R.M. TIMERBAEV
	Mr. V.B. TOULINOV
	Mr. M.P. SHELEPINE
United Arab Republic:	Mr. H. KHALLAF
	Mr. O. SIRRY
	Mr. Y. RIZK
	Mr. M. ISMAIL
United Kingdom:	Mr. I.F. PORTER
	Mr. W.N. HILLIER-FRY
	Mr. R.I.T. CROMARTIE
United States of America:	Mr. J.F. LEONARD
	Mr. N. COTTON
	Mr. A.F. NEIDLE
	Mr. W. GIVAN
Yugoslavia:	Mr. M. BOZINOVIC
	Mr. M. VUKOVIC
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Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Brazil): I declare open the 431st plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.

2. Before calling on the first speaker I should like to revert to the matter of the name of the Committee and of our Conference. It will be recalled that at the meeting on 21 August the co-Chairmen suggested (ENDC/PV.430, para.107) that the new name of the Committee should be "the Committee on Disarmament" and that the new name of our Conference should be "the Conference of the Committee on Disarmament". All delegations have had an opportunity to reflect and to consult about the new name and perhaps it would be opportune now for the Committee to take a decision.

3. Are there any comments? I call on the representative of Mexico.

4. Mr. CASTANEDA (Mexico) (translation from Spanish): As all the members of the Committee are aware, the delegation of Mexico objected from the start to the procedure followed for enlarging its membership (ENDC/PV.416, paras. 43 et seq.). As a logical consequence of our position in regard to the enlargement itself, we must also record our objection to the change in the name of the Committee, which is a corollary of its enlargement. We do not think that it is essential to change the name now, before giving the General Assembly an opportunity to pronounce its opinion both on the enlargement of the Committee and the name itself.

5. I have no objection as regards the name itself, suggested the other day by the co-Chairmen, but I should like to have it put on record that my delegation takes exception also to the name being changed now before allowing the General Assembly to pronounce its opinion on the subject.

6. The CHAIRMAN (Brazil): I understand that the representative of Mexico is making a reservation for the record and that there is no objection to the name itself. That being so, I take it that the new name of the Committee is adopted.

It was so decided.

7. Mr. KHALLAF (United Arab Republic): My delegation wishes to address itself today, though in a preliminary manner only, to the issue of chemical and bacteriological (biological) methods of warfare.

8. This very serious problem, which is increasingly preoccupying world public opinion, has always been viewed by the United Arab Republic with particular concern. Indeed, we have never ceased to call and work for the prohibition of the use of all weapons of mass destruction, including C and B weapons.

(Mr. Khallaf, United Arab Republic)

9. Thus, in 1928, my country was amongst the first ten to become parties to the Geneva Protocol of 1925 (A/7575, p.117). In later years the United Arab Republic voted for General Assembly resolution 2162 B (XXI) (ENDC/185) calling for strict observance by all States of the principles and objectives of the said Protocol and inviting all States to accede to it, and co-sponsored General Assembly resolution 2454 A (XXIII) (ENDC/237) requesting the Secretary-General to prepare, with the assistance of qualified consultant experts, a report on C and B weapons and the effects of their possible use.

10. Today, I can only stress that my delegation wishes to co-operate sincerely and unremittingly with all delegations in order to rid our world of a particularly horrifying and reprehensible weapon before its vertical development and horizontal deployment become of such a magnitude as to make our task here an almost impossible one to achieve. Thus, as we see it, our endeavours will tend to bring about what could be described as a measure of both disarmament and non-armament.

11. In this connexion we have been gratified by the efforts so far exerted by all delegations towards that end and should like, in particular, to express our appreciation to the delegation of the United Kingdom for the great attention and care which it has so far devoted to this problem. We should like, as well, to put on record our gratitude to the Secretary-General, his representatives and the highly qualified group of experts whose constructive collaboration and untiring efforts produced the report contained in document A/7575. There can be no doubt that that report has much improved our understanding of the issues involved and that it will greatly facilitate our task.

12. Yet, while much light has been shed on the various aspects of the problem under consideration, we feel that we have not, as yet, made much progress. We should, therefore, take full advantage of the pressures that are brought to bear on us in an increasing manner by world public opinion and concert our thoughts as well as our endeavours towards working out an adequate solution acceptable to all. It could be useful, therefore, were we to delimit clearly the nature of the problem facing us and try to clarify our points of agreement and disagreement.

13. Our main starting point must be the Geneva Protocol of 1925, not because of purely historical reasons, but above all because of the universally acknowledged weight it carries. Indeed, there is a consensus in our Committee on the great role the Protocol has so far played and is still called upon to play. There is a consensus too on the need to preserve and further strengthen its provisions.

(Mr. Khallaf, United Arab Republic)

14. In this respect Mr. Mulley, the representative of the United Kingdom, stated at our meeting on 10 July: "Time and again I have stressed in this Committee and elsewhere that we attach the greatest possible importance to the Geneva Protocol." (ENDC/PV.418, para.10) Mr. Mulley then went on to explain why he thought that the Protocol should be reinforced by a new instrument or instruments. And, during our meeting on 22 July the representative of the Soviet Union had this to say:

> "... there is a good basis from which we should proceed -- the Geneva Protocol of 1925 which has stood the test of time and was a serious deterrent to the use of chemical and bacteriological weapons in the Second World War." (ENDC/PV.421, para.67)

15. One can safely say that these views are in complete harmony with General Assembly resolutions, and thus the problem with which we now have to deal is how to keep the Geneva Protocol and how to reinforce its provisions. This is a matter of controversy in our Committee and several suggestions, some of which complement each other, have been made in this respect.

16. Thus, it has been proposed that countries that so far have not signed or ratified the Protocol should do so. This was called for by General Assembly resolutions 2162 B (XXI) and 2454 A (XXIII). Also, it was urged on Members of the United Nations by the Secretary-General in his aforementioned report. The United Arab Republic fully subscribes to this view and supports the proposal made by the representative of the Mongolian People's Republic for an urgent appeal to be issued by the General Assembly on the occasion of the forty-fifth anniversary of the signing of the Protocol to all Governments to accede thereto (ENDC/PV.424, para.105).

17. It has been suggested furthermore that the ban on the use of C and B weapons should be applied in a wide sense so as not to allow for a loophole through which some of these dreaded methods of warfare could escape prohibition.

18. That has also been recommended by the Secretary-General in his report, when he urges Members of the United Nations:

> "To make a clear affirmation that the prohibition contained in the Geneva Protocol applies to the use in war of all chemical, bacteriological and biological agents (including tear gas and other harassing agents), which now exist or which may be developed in the future." (A/7575, p.xii)

My delegation, for its part, supports that view.

(Mr. Khallaf, United Arab Republic)

19. However, some of us do not agree that our endeavours should be made in such a direction. They argue that a recommendation on those lines would weaken rather than strengthen the Protocol and that the United Nations has no legal competence to interpret the provisions of the Protocol, which remains the exclusive right of the parties thereto. In that connexion we are reminded, moreover, that there exist States which are not yet Members of the United Nations, and that the proposed affirmation might not, therefore, be applicable to them.

20. In our view, and generally speaking, where the scope of methods of warfare to be prohibited is concerned the provisions of the Protocol have been interpreted in the widest possible sense, and that from the very beginning. It is to be expected, therefore, that the proposed affirmation would reiterate that understanding, as well as do away with all misinterpretation in this connexion for the future. That, in turn, would tend to strengthen further the Protocol.

21. Moreover, if the signatories to the Protocol do, in principle, have the natural right of interpreting for themselves such an instrument, by which they have chosen to abide, that in itself does not exclude at all -- and indeed has never excluded -- the United Nations or other competent bodies from issuing an affirmation clarifying or reiterating such provisions. This view is further strengthened by the wide-spread conviction that the contractual rules emanating from the Geneva Protocol have become also customary rules of international law.

22. A third proposal put forward deals not only with increasing the number of signatories to the Protocol and with interpreting its provisions but with elaborating new provisions dealing with different aspects of the problem.

23. That has been emphasized by General Assembly resolutions, and it was embodied also in the third recommendation of the Secretary-General in his report when he proposed that Members of the United Nations should

> "... call upon all countries to reach agreement to halt the development, production and stockpiling of all chemical and bacteriological (biological) agents for purposes of war and to achieve their effective elimination from the arsenal of weapons." (ibid.)

24. But what precisely is to be included in such an agreement?

(Mr. Khallaf, United Arab Republic)

25. At our meeting on 24 July the representative of Bulgaria said:

"My delegation ... is ready to contribute to every effort designed to reaffirm and strengthen the Geneva Protocol. But we firmly believe that this can be done only by preserving its spirit and letter, and by grafting, so to speak, on to the Protocol's prohibition of the use of all means having a chemical and biological origin the prohibition of production, testing and stockpiling, so as to achieve a total and universal ban extending even to the idea of ever resorting to such weapons of horror." (ENDC/PV.422, para. 27)

26. The delegation of the United Kingdom, however, deemed that such a proposal did not go far enough, and that besides halting the development, production and stockpiling of all C and B weapons a new international instrument should cover the issue of their use too. (ENDC/PV.418, para. 17 et seq.) It suggested, furthermore, that such an instrument should deal with biological methods of warfare only, and that it should include implementation provisions regarding the prohibition of their use.

27. I should like now to comment on these points in particular.

28. The reasons for suggesting that the new instrument should refer also to the prohibition of use are not sufficiently clear to us, since that particular aspect is already covered by the Geneva Protocol. We do not see that there is real advantage in the suggestion unless it is thought that the proposed implementation provisions in the new instrument would be needed for its correct application, since the Geneva Protocol does not include such provisions but refers only to the principle of prohibition itself.

29. The argument that the Protocol would not be weakened by the proposed instrument is, we are told supported by article VI of the United Kingdom draft convention, (ENDC/255), as well as by certain provisions in the preamble which refer to the Protocol (second, third, fourth and eighth preambular paragraphs) and emphasize that nothing contained in the convention should be construed as in any way limiting or derogating from obligations assumed under the Protocol by any State.

30. We feel, nevertheless, that the apprehensions concerning the effect of the proposed instrument on the Protocol have not been removed by that argument. The mere existence of two international instruments dealing in a more or less different way with the same

(Mr. Khallaf, United Arab Republic)

subject could create unnecessary confusion and difficulties. Moreover, those fears have increased, since it is proposed by the United Kingdom delegation that the new instrument should deal with B weapons only.

31. In spite of all the weighty arguments advanced by the United Kingdom delegation in support of its view that we should deal at this stage with B weapons only, we agree with those who call for the treatment of both B and C weapons together. We do not wish to repeat all the arguments that have been advanced here by many delegations to uphold that view. Suffice it to say, inter alia, that separating those two types of weapons is not compatible with what was decided by the General Assembly in its resolutions already referred to.

32. Moreover such a separation would, it is feared, weaken the Geneva Protocol. It might expose us to all the difficulties which such a differentiation would entail when we had to decide what exactly constitutes a B weapon and what is considered to be a C weapon. Furthermore, we see no reason why we should not tackle those two methods of warfare simultaneously, inasmuch as the United Kingdom delegation itself considers that an agreement on C weapons is not too far off.

33. Even the strengthening of article V of the United Kingdom draft on the lines suggested by the Swedish delegation on 5 August, to the effect that the said draft:

> "would ... have to contain strong pledges to continue negotiations to arrive at similar restrictions on the production, etcetera, of chemical weapons." (ENDC/PV.425, para. 40)

would not, to our mind, be enough and does not convince us that we could accept limiting our endeavours at this stage to B weapons only.

34. As regards the provisions concerning the implementation aspect of the prohibition dealt with in the United Kingdom draft, we would prefer to comment thereon at a later stage as these provisions would, at least to a certain extent, be affected by what will emerge on the various points I have referred to earlier, and especially by whether the new proposed international instrument will deal with only the development, production and stockpiling of C and B weapons, or will cover also the use of such weapons. Added to this it must be made clear whether we will content ourselves with an international instrument on B weapons only or include C weapons too. We would therefore confine ourselves now to making some particular remarks only.

(Mr. Khallaf, United Arab Republic)

35. The draft does not refer to controls in the restricted sense of the word, on the grounds that it would in practice be difficult to control production of B weapons. Though we acknowledge the importance of this observation, we find it hard to admit that control in such a field is to be completely ruled out.

36. In this connexion may I point out that at a previous informal meeting our delegation referred to the fact that the C and B weapons pass through different stages from their development to the point of their possible use. We then said that we should avail ourselves of these various stages to ensure an appropriate over-all control during some or all of these successive stages so as to achieve the purpose we have in mind. This, it is hoped, would give us as good a picture as possible of a given situation and help us prevent the worst instead of waiting for it to occur and then trying to control it a posteriori through the Security Council, as suggested by the United Kingdom draft. We therefore support the call for a closer study of this particular aspect of control in order to find a solution for it, as we fear that if no adequate control could be established over prohibition, the latter would remain purely fictitious.

37. Lastly, we would submit that the provisions of the United Kingdom draft which cover the role of the Secretary-General and the Security Council regarding the lodging of complaints are in need of greater precision especially from the procedural aspect as well as concerns the results that would ensue if the Security Council were to be convinced of the accuracy of an alleged breach of undertaking. Greater clarity and precision of these provisions are needed in order to ascertain the efficacy of the proposed agreement.

38. Mr. PORTER (United Kingdom): This morning I should like to introduce some amendments to the draft convention for the prohibition of biological methods of warfare and the related draft Security Council resolution (ENDC/255) tabled and introduced by Mr. Mulley on 10 July (ENDC/PV.418, para. 16 et seq.). We are grateful to the delegations which have commented on these texts, and in some cases we have already been able to develop new or modified language to meet their points. We hope that other governments represented here will also comment for we regard this process of consultation and improvement as a continuous one leading to a text which will be generally acceptable to members of this Committee.

(Mr. Porter, United Kingdom)

39. I have set out the proposed changes in a paper which is before the Committee. The Secretariat has also circulated the amended text as an ENDC document (ENDC/255/Rev.1). We have not yet made proposals for the missing administrative articles VII, VIII and X, since this we believe would be premature until some progress has been made on the articles of substance already tabled. For the time being we should like to concentrate on these.

40. You will notice that our amendments remain within the framework of a convention for the prohibition of biological methods of warfare. A number of delegations have advocated that chemical and biological methods of warfare should be dealt with together in the same document. The Committee will recall the reasons given by Mr. Mulley on 10 July (ENDC/PV.418, para. 12 et seq.) and in earlier statements for drafting, in the first instance, a convention on biological weapons. We cannot agree that it is impossible to distinguish between chemical and biological methods of warfare. The biological weapons is the only self-propagating weapon in existence; that is to say, a weapon which has the ability to multiply itself. That is why the effects of such weapons are likely to be not only horrifying but indiscriminate. What we are seeking to prohibit therefore is, in one sense, the most inhuman of all weapons; a living weapon which seeks out people to destroy them. We fully sympathize with the desire, expressed by so many delegations, for further work on chemical weapons, and the determination to pursue this is expressed formally in article V of our draft convention which as amended explicitly commits all parties "to pursue negotiations in good faith on effective measures to strengthen existing constraints on chemical methods of warfare". We do not believe however that progress on a convention on chemical warfare would be expedited by stopping work on the draft convention on biological warfare which is already before us.

41. In this connexion we fully share the objection of the representative of Sweden to the use which is being made here of the term "biochemical" (ENDC/PV.425, para. 16). Biochemistry is a distinct scientific discipline which lies on the borderline between chemistry and biology. The inaccurate use of the adjective "biochemical" as a kind of umbrella term to cover both "chemical" and "biological" is simply misleading.

42. We have examined ways of strengthening the commitment to further negotiation in article V. On 5 August Mrs. Myrdal pointed out that the wording of the previous draft — "to strengthen the existing constraints on the use of chemical methods of warfare" --

(Mr. Porter, United Kingdom)

could be interpreted to mean that negotiations would aim at a convention more limited in scope than our draft convention on biological weapons, which also covers production and possession (ENDC/PV.425, para. 40). It was not our intention, of course, to preclude consideration of a prohibition of production and possession of chemical weapons. On the other hand we could not simply add a reference to production and possession in article V as Mrs. Myrdal suggested because there are no "existing constraints" on these. Therefore we have dropped the words "the use of" so that the article now reads:

"Each of the Parties to the Convention undertakes to pursue negotiations in good faith on effective measures to strengthen the existing constraints on chemical methods of warfare."

43. I should like now to consider a more radical suggestion made by the representative of Sweden, who proposed that article I of our draft convention should be omitted since, in view of the prohibition of use already contained in the Geneva Protocol (A/7575, p.117), it was redundant (ENDC/PV.425, para. 38). The representative of the United Arab Republic made a similar point this morning. Mrs. Myrdal suggested further that the article should be replaced by something on the lines of our present article VI which, you will recall, is a disclaimer article concerning the Geneva Protocol. I can understand that from the point of view of Sweden, which became a party to the Geneva Protocol without entering any reservation, article I might not seem to represent any additional commitment, but the fact remains that many other States parties to the Protocol entered reservations which had the effect of making this instrument a "no first use" agreement only. Some parties have taken the view also that the Geneva Protocol entitles them to use chemical and biological weapons first against non-parties. There is therefore no such thing as what has been called "universality of commitment" under the Protocol. Since in practice the Geneva Protocol means different things to different people it would be doubly unsatisfactory to base the remaining articles in our convention on a first article which simply echoed the Protocol. We attach great importance, for instance, to the provisions in article III, paragraph 1, of our draft convention for a complaints machinery to deal with allegations of use. This, we believe, would give parties much greater confidence that the prohibition of use in article I would not be violated. However, article III paragraph 1 depends on a precise statement and understanding of the prohibition it is to cover, and this is provided by our article I.

(Mr. Porter, United Kingdom)

44. However, in order to remove any impression that article I is merely duplicating the Geneva Protocol we have amended it in the following way. The undertaking by a party not to engage in biological methods of warfare is now qualified by the clause:

> "in so far as it may not already be committed in that respect under Treaties or other instruments in force prohibiting the use of chemical and biological methods of warfare".

This clause, taken together with article VI, makes it quite clear that existing commitments under the Geneva Protocol and earlier international agreements are in no way affected by our draft convention. Some countries, in becoming parties to our convention, would undertake additional commitments under article I; others would not. All would end up with the uniform obligation never in any circumstances to engage in biological methods of warfare.

45. The definition in article I of our convention is meant to be comprehensive and to cover all possible forms of biological warfare. In our revised version we have closed one small loophole. It is conceivable that insects such as colorado beetles or locusts could be used to ruin crops not by killing the plants outright but by inflicting heavy damage on them. Therefore we have extended the ban to cover microbial or other biological agents causing damage, as well as those causing death or disease. We do not entirely understand the point made by the representative of Poland on 14 August that our convention offers a restrictive interpretation of the Protocol (ENDC/PV.428, para. 64). So far as bacteriological (biological) weapons are concerned it aims to be comprehensive and we shall be glad to consider ways of filling other possible loopholes that may occur to members of the Committee.

46. We have modified the wording of article II(a)(i) of our draft convention, which some people found confusing. I hope in particular that the new language we propose meets Mrs. Myrdal's concern about the right to develop defence measures against biological weapons (ENDC/PV.425, para. 42). It is our intention to allow the development of passive defence measures, which would include in particular vaccines for protection against possible biological attack. On the other hand this paragraph has to be worded carefully in order to limit the exception strictly to defence measures -- that is, to measures reducing the effectiveness of a biological attack on one's own population.

(Mr. Porter, United Kingdom)

47. I turn now to article III. We have amended the second paragraph of the article to make it quite clear that a complaint under this paragraph, as in the case of a complaint under the first paragraph, would be supported by all evidence at the disposal of the complaining party.

48. We have sympathy with the Swedish idea concerning increased openness about activities in this field (ibid., para. 44). The Committee will no doubt recall that a similar idea was broached in our working paper (ENDC/231*) of 6 August 1968, but when we examined the implications of the idea further we came to the conclusion that this was essentially a matter for internal regulation. In practice it would be extremely difficult to formalize such arrangements in an international treaty.

49. On 14 August the representative of Japan proposed that a group of experts might meet to consider the problems of verification in the field of chemical and biological weapons (ENDC/PV.428, para. 47). Such studies have already been undertaken in the biological field -- I am thinking of the work of the Pugwash Study Group on Biological Warfare and that subsequently undertaken by SIPRI. We ourselves looked very carefully at this aspect before concluding that verification, in the sense in which that word is usually used in disarmament negotiations, is not possible in the biological weapon field and that the complaints procedure we envisage is the right answer in these circumstances. There may be something to be said for considering the question of verification in the field of chemical warfare, and my Government would contribute what it could to any such investigation. But, as we have already made clear, we believe that in the field of biological warfare progress is possible now, without waiting for the result of further studies.

50. We have also made one change in our draft Security Council resolution by adding a preambular paragraph which reaffirms the right of individual and collective self-defence recognized in Article 51 of the United Nations Charter. This paragraph is designed to meet concerns expressed to us that article IV of the draft convention might be taken to derogate from that right.

51. In conclusion, may I say a word about the way we might proceed with the question of chemical and biological warfare?

52. In the first place we have the Geneva Protocol, the principal legal instrument on this subject in force at this time and the point of departure for further measures. In our view nothing should be done here or in the General Assembly which could weaken

(Mr. Porter, United Kingdom)

it. In this connexion we welcome the statement by the representative of Japan on 14 August that his Government would, in certain circumstances, consider ratifying the Protocol (ENDC/PV.428, para. 49); we very much hope that they would indeed consider ratifying it for its own sake and independently of developments here. We would urge other countries to do the same and, like the representative of the United Arab Republic, we support the Mongolian proposal (ENDC/PV.424, para. 105) to recommend that the General Assembly should appeal urgently to all Governments which have not done so to accede to or ratify the Protocol in the course of 1970, the forty-fifth anniversary of the Protocol and the twenty-fifth anniversary of the United Nations.

53. The General Assembly at its forthcoming session will be very conscious of the fact that the question of chemical and biological warfare is attracting increased interest everywhere. The Secretary-General and his consultant experts have in their excellent report (A/7575) given us the scientific facts; it is now up to governments to proceed. My own Government has contributed a draft convention on the prohibition of biological methods of warfare in an effort to get agreement on something concrete for the next session of the General Assembly. Many delegations have debated the broad procedural question of how to proceed with our work on chemical and biological warfare -- whether, for instance, there should be one convention or two interrelated conventions. However some delegations have also tackled and commented on the problems of substance raised by our draft text and we are grateful to them. We hope to have comments from other delegations before the end of the session. We trust that when this Committee meets after the General Assembly it will give urgent attention to the problems of arms control and disarmament in the whole field of chemical and biological weapons. It is against this background that we wish to press on towards the achievement of a comprehensive ban on biological methods of warfare.

54. Mr. IGNATIEFF (Canada): I should like to make some comments today to introduce our working paper (ENDC/266) which was circulated this morning and which contains the draft of a General Assembly resolution on the problem of chemical and biological weapons.

55. I will not strain the patience of my colleagues by repeating the comments which were made on this subject by the Canadian delegation on 31 July (ENDC/PV.424) but I should like to reiterate two points: first, that our resolution has grown out of a desire to overcome, to the extent possible and in the time remaining to us, the

(Mr. Ignatieff, Canada)

difficulties which we seem to be experiencing in moving forward on this important subject, as well as to reflect certain areas which seem to be generally agreed; and, second, it seems to us that it would be useful, if possible, to provide some agreed procedural basis for discussion in the General Assembly in the light not only of the valuable report of the Secretary-General (A/7575) but also of the proposals put forward in this Committee.

56. I might mention as well that we have been particularly encouraged in going ahead with this draft by remarks made by a number of my colleagues at the informal meeting which we held on 20 August to discuss the preliminary report which this Committee is to render to the General Assembly. I refer to the view expressed that it would be desirable for the Committee to try to put forward wherever possible agreed recommendations for the guidance of the General Assembly. We are in agreement with that view, which is fully consistent with the opinion I have expressed that we need to define and work towards the achievement of common grounds and purposes. We believe that the time has come now when, on this subject, we should try to define those common aims and purposes with greater precision.

57. With this in mind may I offer a brief description of the draft resolution which is submitted with this aim in view. I think that the first three preambular paragraphs are self-explanatory. The fourth, fifth and sixth preambular paragraphs have been drawn directly from sections of the Secretary-General's report. The seventh preambular paragraph speaks for itself, while the eighth and ninth reflect the unanimous concern of us all that we do nothing which would in any way derogate from the effectiveness of the 1925 Geneva Protocol (A/7575, p.117).

58. Turning to the operative paragraphs: operative paragraphs 1 and 2 will come as no surprise to my colleagues as the basis for them was contained in the outline I gave in my statement on 31 July. They give, I think, an indication of a common desire in this Committee to see the validity and effectiveness of the 1925 Geneva Protocol upheld and adherence to it widened, whatever else we do. Operative paragraphs 3 to 5 inclusive, while differing somewhat in paragraphing, are similar in substance to the operative paragraphs of United Nations General Assembly resolution 2342 (XXII) (ENDC/210) dealing with the Secretary-General's report on nuclear weapons (A/6858).

59. The skeletons of operative paragraphs 6, 7 and 8 were also contained in my statement of 31 July and, therefore, will not be new to the Committee. They represent what might be called the further action elements of the resolution as far as they relate to the work of the Committee.

(Mr. Ignatieff, Canada)

60. Reserving for a later date comment on the revised draft convention (ENDC/255/Rev.1) just submitted and explained by the representative of the United Kingdom, I should like to say one or two words in a preliminary way about the other working document on this subject (ENDC/265) submitted this morning in the names of the delegations of Argentina, Brazil, Burma, Ethiopia, India, Mexico, Morocco, Nigeria, Pakistan, Sweden, the United Arab Republic and Yugoslavia. My delegation has had the opportunity of participating in some of the informal discussions, with the Swedish delegation in particular, which preceded the submission of this draft declaration, and I wish to make it clear that my delegation sees no conflict between the proposals contained in the two working documents circulated today, theirs being substantive and ours being essentially procedural.

61. As my authorities in Ottawa are still studying all the implications of the draft declaration contained in document ENDC/265 I would not wish to offer comments of substance on that proposal this morning. I would say, however, that we find the draft declaration embodies an extremely interesting and ingenious approach to the complex legal problems involved and that its contents merit the most serious consideration of all of us.

62. Before concluding my remarks I should like to offer a few comments on another subject of particular interest to the Canadian delegation, on which a working paper has also been circulated. At our last meeting you, Sir, speaking as the representative of Brazil, submitted a working paper on the control provisions for a treaty on the non-armament of the sea-bed and the ocean floor (ENDC/264). The Canadian delegation has given that paper serious study and I should like to take this occasion to make some preliminary comments on some of the implications of the statements in the paper which you, Sir, put forward, as my delegation sees them.

63. At our meeting on 31 July, in discussing the progress on the negotiations concerning the sea-bed, I stated:

> "It is important, if not vital, that during this session the Committee should arrive at accommodations which could be supported by every member, in order that our report to the next session of the General Assembly may contain generally-accepted recommendations on this important subject." (ENDC/PV.424, para. 15)

(Mr. Ignatieff, Canada)

64. On that basis the Canadian delegation has been particularly interested in the comments made by various delegations regarding one aspect of the sea-bed negotiations which I discussed on 31 July, that is the special rights of coastal States under international law being taken fully into account in any arms control treaty (ENDC/PV.424, paras. 22 et seq.). There would appear to be developing a fairly widely accepted view that, particularly in the matter of verification, any sea-bed treaty must ensure that the rights of a coastal State inherent in existing international law should be fully respected. The Brazilian working paper points out clearly that not only in the specific treaty formulation but also in the detailed procedures for carrying out the verification of the treaty such rights should be taken fully into account.

65. Whatever the terms of the sea-bed treaty which may be agreed upon in this Committee, the underlying policies and objectives of the treaty will have to be fitted into the framework of existing international law. Whether or not there are disclaimers in the treaty stating that its terms should not be taken to represent conflicting views on international law, the existing framework of international relations must be the basis of the sea-bed treaty and its provisions should be consistent with that law. The Brazilian working paper is a timely reminder of that fact.

66. In conclusion I would say that a number of my colleagues who have addressed themselves to the problem of the special rights of coastal States -- notably the representatives of India (ENDC/PV.428, para. 14), Ethiopia (ENDC/PV.430, paras. 91, 92 and 96) and Nigeria (ibid, para. 47) and some others -- have shared the general approach of the Brazilian delegation without at the same time attempting, at this stage, to formulate specific treaty language but what you, Mr. Chairman, in your capacity as representative of Brazil, have clearly done is to focus our attention on the kind of considerations concerning the special rights of coastal States which must be considered in developing treaty language, with particular reference to the rights of verification, and it is that approach that the Canadian delegation would like to support.

67. Mrs. MYRDAL (Sweden): This Committee has for more than a year been engaged in a systematic endeavour to reduce and eventually to eliminate the risks of terror warfare with chemical and biological weapons. A first step was our recommendation in 1968 that the Secretary-General should undertake a study of chemical and bacteriological (biological) weapons and the effects of their possible use (ENDC/236, p. 4). The next major step has been the publication of the excellent report by the Secretary-General (A/7575), an achievement which thus might partly be credited to this Committee.

68. In his foreword to that report the Secretary-General has outlined what the next stages should be. He admirably summarizes the conclusions which can be drawn from the exprts' report and bases on them three important policy recommendations.

69. The first of those recommendations (ibid, p. xii) calls for renewal of the appeal to all States to accede to the Geneva Protocol of 1925 (ibid, p. 117). A formulation of that appeal inviting proper action by the General Assembly should, we had expected, be one of the results which this Committee would state in its final report, and today we have received a definite proposal to that effect from the Canadian delegation, a proposal which the Swedish delegation heartily endorses. The third of the Secretary-General's recommendations (ibid, p. xii), calling for further disarmament measures in this field, should be another recommendation of this Committee to the General Assembly. The United Kingdom delegation, through its initiative in submitting a draft convention on biological warfare (ENDC/255), has offered a valuable partial solution, and the revisions introduced today (ENDC/255/Rev.1) will be given careful study by my delegation. The Canadian proposal for United Nations action draws attention to the fact that real disarmament in regard to chemical and biological weapons is one item that should be on the agenda of the Committee at its next session.

70. The whole sequence would be complete if the second of the Secretary-General's recommendations (A/7575, p. xii) concerning a clear affirmation of the scope of the existing ban on the use of those weapons in war, also were to be covered in yet another recommendation for action.

(Mrs. Myrdal, Sweden)

71. In my intervention on 5 August of this year I indicated that my delegation was ready to co-operate with other delegations in submitting to the Committee a working paper on such a declaration, affirming as comprehensive the existing ban on chemical and biological methods of warfare (ENDC/PV.425, para. 36). Today my delegation, together with the delegations of the Argentine Republic, Brazil, Burma, Ethiopia, India, Mexico, the Kingdom of Morocco, Nigeria, Pakistan, the United Arab Republic and the Socialist Federal Republic of Yugoslavia, has the honour to submit a working paper of the kind envisaged. I am referring to document ENDC/265, which is now before the Committee.

72. The reasons and purposes of a declaration along the lines contained in the working paper were explained at length in my previous statement. I can therefore limit my statement today to a few points.

73. Let me recall, in the first place, that by suggesting such a declaration we draw a sharp distinction between measures to prohibit the use and measures designed to prevent the production, stockpiling and dissemination of B and C methods of warfare. We look forward to further considerable work on the whole subject of elimination of those weapons, based inter alia on the United Kingdom draft convention.

74. As we and other delegations have explained before, however, we believe it is unnecessary to introduce a new treaty instrument to cover also the aspect of prohibition against use. It has seemed to us more advisable to deal with that aspect through a solemn declaration. The need and purpose are not to legislate; the law is there. What is needed is to affirm and consolidate the existing law about non-use and to do that through collective action in the United Nations General Assembly, a step which we are convinced would serve the political purpose of facilitating universal adherence to the Geneva Protocol.

75. If the law rested exclusively on the Geneva Protocol of 1925 it might perhaps have been argued that it would be for the parties to that Protocol to perform this task. As we all know, however, and as I had occasion to say in my earlier statement and as has been confirmed by so many other speakers, the ban on B and C methods of warfare is the outcome of a long process, involving many international

(Mrs. Myrdal, Sweden)

instruments from the nineteenth century up to and including General Assembly resolutions in 1966 and 1968. The cumulative effect of all this and of the respect paid to it in actual practice is a rule of customary -- I emphasize "customary" -- international law. This view is widely supported as indicated most recently in the statement made today by the representative of the United Arab Republic. To affirm and consolidate such a rule is a type of task proper for an organ like the General Assembly, and a task which it has performed before. The General Assembly also comprises practically all States which are parties to the Geneva Protocol.

76. Let me now briefly comment upon the text of the working paper.

77. The first preambular paragraph refers to that almost instinctive reaction of horror that has always been evoked in the minds of men by the use, or even the prospect of the use, of biological and chemical weapons. We believe, of course, that there are very solid rational reasons for the ban on B and C methods of warfare. Nevertheless, this spontaneous reaction of horror and of condemnation is, in our view, a human sign of health and a natural and sound starting point for the declaration.

78. The second preambular paragraph spells out the significant fact that the effects of B and C methods of warfare can often not be restricted to specific military targets. They are thereby likely to conflict with that fundamental rule concerning the conduct of warfare which requires belligerents to direct their actions against combatants and to refrain from actions against non-combatants. It is further generally recognized that any use of B and C methods of warfare entails the almost automatic risk of retaliation and thereby escalation. As I developed in my earlier intervention, this risk of escalation is conspicuous until we get an authoritative statement concerning the scope of the ban, different parties in a conflict perhaps otherwise interpreting the scope differently.

79. The third preambular paragraph recalls that there is a long chain of instruments which have banned some or all of these methods of warfare. Reference is also made to instruments which do not directly prohibit but seek to prevent the use of these methods of warfare. A case in point is Protocol III of 1954[1/] to the

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1/ United Nations Treaty Series, vol. 211, p. 364.

(Mrs. Myrdal, Sweden)

Brussels Treaty of 1948, which stipulates in Article I, referring to the Federal Republic of Germany, that it shall not manufacture in its territory atomic, biological, and chemical weapons, and which defines -- in an annex -- a chemical weapon as:

> "any equipment or apparatus expressly designed to use, for military purposes, the asphyxiating, toxic, irritant, paralysant, growth-regulating, anti-lubricating or catalysing properties of any chemical substance";

and a biological weapon as:

> "any equipment or apparatus expressly designed to use, for military purposes, harmful insects or other living or dead organisms or their toxic products".

80. The fourth preambular paragraph in the draft declaration notes the wide support that has been given to the Geneva Protocol through formal accessions and through declarations by States. It further points to the significant fact that the ban on B and C methods of warfare has commanded broad respect in the practice of States. It may be useful to keep in mind in this context that these weapons were even not used throughout the difficult period of the Second World War.

81. The logical conclusion, and one that has much support in international law doctrine, is that the cumulated effect of the circumstances invoked is to create a customary rule of international law, valid erga omnes. There has been some difference of opinion voiced as to the scope of the existing ban. The weight of opinion and of reason, however, is that the existing rule comprehensively covers all methods of biological and chemical warfare. It is crucially important that this be authoritatively declared to avoid the risk of varying interpretations and, inherently, of retaliation and escalation. This is done in the fifth preambular paragraph and in the operative part of the working paper, where use is made of the modern and scientific definitions offered to us in the experts' report. As is made clear in that report, these definitions are intended to be comprehensive, thus covering also harassing agents, such as tear gas, and agents which act as herbicides. It has further seemed important to make it clear in the text that the ban concerns international armed conflicts and consequently does not apply to internal domestic riot control.

82. A declaration such as the one contemplated in the working paper would obviously be of greatest value if adopted by general consensus. As is stated in the last preambular paragraph, it would enable States to demonstrate their determination to

(Mrs. Myrdal, Sweden)

refrain from the use of any biological or chemical methods of warfare -- and that refers to all States, since all are potentially capable of producing such means of warfare.

83. Considering the evidence available concerning the complete prohibition of chemical and biological methods of warfare, considering the vital and rational reasons for such a complete ban and considering, lastly, the demand of world opinion for such a ban, it is not too much to hope that a consensus will emerge both in this Committee and in the wider community of the United Nations and that the declaration will be adopted.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 431st plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador Sérgio Armando Frazão, representative of Brazil.

"The Conference decided that henceforth its name would be the 'Conference of the Committee on Disarmament'.

"Statements were made by the Chairman and by the representatives of Mexico, the United Arab Republic, the United Kingdom, Canada and Sweden.

"The delegations of Argentina, Brazil, Burma, Ethiopia, India, Mexico, Morocco, Nigeria, Pakistan, Sweden, the United Arab Republic and Yugoslavia submitted a working paper on a proposed declaration by the United Nations General Assembly regarding prohibition of the use of chemical and biological methods of warfare (ENDC/265).

"The delegation of Canada submitted a document containing a draft United Nations General Assembly resolution on chemical and bacteriological (biological) warfare (ENDC/266).

"The delegation of the United Kingdom submitted a revised draft convention for the prohibition of biological methods of warfare and an accompanying draft Security Council resolution (ENDC/255/Rev.1).

"The next meeting of the Conference will be held on Thursday, 28 August 1969, at 10.30 a.m."

The meeting rose at 12 noon